

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:	§	
	§	
CHRIS PETTIT & ASSOCIATES, P.C.	§	LEAD CASE No. 22-50591-CAG
	§	
CHRISTOPHER JOHN PETTIT	§	SECOND CASE No. 22-50592-CAG
	§	
	§	Chapter 11
Jointly Administered Debtors	§	(Jointly Administered Under
	§	Case No. 22-50591)

ERIC TERRY, in his capacity as CHAPTER 11 TRUSTEE for the DEBTORS,	§	
	§	
	§	
Plaintiff,	§	
	§	
v.	§	ADVERSARY NO. 24-05031-cag
	§	
TEXAS PARTNERS BANK d/b/a THE BANK OF SAN ANTONIO and, CHRISTOPHER JOHN PETTIT, INDIVIDUALLY,	§	
	§	
Defendants.	§	

**PLAINTIFF’S AMENDED UNOPPOSED MOTION TO RECONSIDER
ORDER GRANTING MOTION TO DISMISS**

COMES NOW, Plaintiff, Eric Terry, as Chapter 11 Trustee (“Plaintiff” or “Trustee”) for the Estate of Chris Pettit & Associates, P.C. and Christopher John Pettit,¹ by and through his counsel of record, files this Amended Unopposed Motion to Reconsider the Order Granting

¹ All causes of action in this Complaints are asserted by the Trustee in his capacity as Chapter 11 Trustee for the Estate of Chris Pettit & Associates, P.C. In his capacity as Chapter 11 Trustee for the Estate of Christopher John Pettit, the Trustee asserts only the fraudulent transfer claims.

Motion to Dismiss (ECF No. 35), and in support thereof would respectfully show the Court as follows:

On September 6, 2024, this Court entered an Order Granting the Motion to Dismiss previously filed by Texas Partners Bank d/b/a The Bank of San Antonio (“TBOSA”). (ECF No. 35). The Order states that Plaintiff’s deadline to respond to the Motion to Dismiss expired on August 14, 2024.

TBOSA filed its Motion to Dismiss on July 24, 2024. (ECF No. 23). Pursuant to Local Rule 7007, Plaintiff’s response to this dispositive motion would have been August 14, 2024. However, Plaintiff’s deadline was extended by three weeks per this Court’s Order Granting Joint Stipulation and Unopposed Motion to Extend Time to Respond to Complaint dated July 4, 2024. (ECF No. 17). That Order states, “It is further ORDERED that **after the Defendant has moved, answered, or otherwise pleaded in response to Plaintiff’s Original Complaint, the deadline for Plaintiff’s response shall also be extended three weeks.**”

Based on that Order, Plaintiff’s deadline was extended by three weeks after the original 21-day deadline to respond to TBOSA’s Motion to Dismiss. As such, Plaintiff’s deadline to respond to TBOSA’s Motion to Dismiss was extended from August 14, 2024, to September 4, 2024.

Plaintiff timely filed his First Amended Complaint on August 30, 2024. (ECF No. 33). A party may amend its pleading once as a matter of course under Rule 7015 of the Federal Rules of Bankruptcy Procedure and Rule 15 of the Federal Rules of Civil Procedure. Therefore, Plaintiff timely served his responsive pleading within the acceptable timeframe granted by this Court. Accordingly, the Court should vacate its Order Granting TBOSA’s Motion to Dismiss.

Further, counsel for Plaintiff and Defendant TBOSA have conferred and agreed to a deadline extension to September 27, 2024, for Defendant TBOSA to respond to Plaintiff's First Amended Complaint. A joint stipulation reflecting this agreement will be filed.

II. PRAYER

For the reasons above, Plaintiff respectfully requests that the Court reconsider and vacate its Order Granting TBOSA's Motion to Dismiss (ECF No. 35), recognizing that Plaintiff timely served his First Amended Complaint on August 30, 2024. Plaintiff prays for such other and further relief to which he may be justly entitled.

Dated: September 9, 2024

Respectfully submitted,

/s/ Francisco Guerra, IV.

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CHAPTER 11 TRUSTEE FOR THE ESTATES OF
CHRIS PETTIT & ASSOCIATES AND
CHRISTOPHER JOHN PETTIT

CERTIFICATE OF CONFERENCE

I hereby certify that on the 9th of September 2024, I conferred with Randy Owens, counsel for Defendant Texas Partners Bank d/b/a The Bank of San Antonio, regarding this motion. Mr. Owens indicated that Defendant is UNOPPOSED to the relief requested herein.

/s/ Alexis R. Garcia
Alexis R. Garcia

CERTIFICATE OF SERVICE

I certify that on the 9th of September 2024, a copy of the foregoing, *Plaintiff's Amended Unopposed Motion to Reconsider the Order Granting Motion to Dismiss*, was filed electronically and served by e-mail or by mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Francisco Guerra, IV.
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